IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Crl.Rev.Pet.No. 1408 of 2007()

CRA.222/2006 of SESSIONS COURT, KOTTAYAM
CC.485/1999 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM

.....

REVN. PETITIONER/APPELLANT/ACCUSED:

THOMAS, S/O.JOSEPH,
KONTHAPPALLY VEEDU, T.V.PURAM,
VAIKAM.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS/RESPONDENTS/ COMPLAINANT&STATE:

---

1. JOPHY MATHEW, S/O.MATHEW,
MELEDAM HOUSE, VALACHIRA, KADUTHURUTHY,
VAIKOM TALUK.

2. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

==========

C.R.R.P.No.1408 OF 2007

==========

Dated this the 30th day of March, 2007

ORDER

The revision petitioner has sought for setting aside the order of the court below dismissing the appeal, the same being time barred. The application to condone the delay was also dismissed. There is a delay of 751 days. It is clear from the order that the petitioner or the counsel was not present. On a perusal of the order of the Judicial First Class Magistrate Court, I find that no evidence was adduced to rebut the statutory presumptions. In the circumstances, I find no reason to set aside the order of the Appellate Court. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.62,000/- vide Section 357(3) Cr.P.C and in default to undergo simple imprisonment for two months. The revision petitioner is granted six months time from today onwards to pay the amount of compensation. The revision petitioner shall appear before Judicial First Class Magistrate Court, Vaikom on 01.10.2007 to receive sentence.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs